

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

TANYA DENNIS,

Plaintiff,

v.

WACHOVIA BANK, FSB, WELLS FARGO  
BANK, N.A. and JOHN AND JANE DOES  
1-5,

Defendants.

No. 10-cv-01596 CW

ORDER DENYING  
PLAINTIFF'S MOTION  
FOR RETURN OF  
PROPERTY AND  
ADDRESSING HER  
REQUEST FOR  
ASSISTANCE FROM  
THE ATTORNEY  
GENERAL  
(Docket Nos. 63 &  
69)

I. Motion for Return of Property

On December 20, 2010, Plaintiff Tanya Dennis filed a "Motion for Return of Property." Docket No. 63. Defendant Wachovia Mortgage, now a division of Wells Fargo Bank, and formerly known as World Savings Bank, has opposed the motion. Plaintiff seeks the return of her personal property, which was removed from her home after she and her family were evicted on December 7, 2010. Plaintiff's list identifies over \$15,000 worth of personal property. According to Plaintiff, the property was removed from the premises on December 14, 2010.

Pursuant to California Code of Civil Procedure § 1983, where personal property remains on the premises after a tenancy is terminated and the tenant has vacated the premises, the landlord shall give written notice to the tenant of property it reasonably believes to be owned by the tenant. The landlord is required to store the remaining property for at least fifteen days after notice has been personally provided to the tenant, or eighteen

1 days after the notice is deposited in the mail. California Code  
2 of Civil Procedure § 1174 further provides for the release of  
3 personal property from the landlord to the tenant. The landlord  
4 may charge reasonable costs of storage before the property is  
5 returned.

6 This Court, however, is not the proper forum for this matter.  
7 If Plaintiff seeks to pursue her rights under the California  
8 statutes described above, she must do so in Alameda County  
9 Superior Court, where the unlawful detainer action against her was  
10 filed.

11 Plaintiff's motion is DENIED.

12 II. Memorandum Letter to the California Attorney General

13 Plaintiff has filed with the Court a memorandum letter  
14 requesting assistance from the California Attorney General.  
15 Docket No. 69. The Court does not have jurisdiction over the  
16 recent settlement reached by the California Attorney General and  
17 Wells Fargo on December 20, 2010. The Court cannot order that the  
18 settlement extend relief to Plaintiff, even if Plaintiff is in  
19 fact a member of the settlement class.

20 IT IS SO ORDERED.

21  
22 Dated: 1/19/2011



23 CLAUDIA WILKEN  
24 United States District Judge  
25  
26  
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